REMARKS

Claims 2-7, 10, 33 and 34 are pending in the present application, claims 33 and 24 having been added and claims 1, 9, 11-17, 19-28 and 30-32 having been cancelled herein. The Office Action and cited references have been considered. Favorable reconsideration is respectfully requested.

Claims 1-7, 11-17, 22-28 and 32 were rejected under 35 U.S.C. §103(a) over Tso et al. (U.S. Patent No. 6,421,733) in view of Mason (U.S. Patent No. 7,089,330) and further in view of what was alleged by the Examiner to have been well known in the networking art in regard to classes and inheritance. Claims 9, 10, 19-21, 30 and 31 were rejected under 35 U.S.C. §103(a) over Tso in view of Mason and further in view of Kalra et al. (U.S. Patent No. 6,490,627). These rejections are respectfully traversed for the following reasons.

Claim 33 recites a method for media streaming, comprising receiving a request from a client to a server via a network in accordance with a Hypertext Transfer Protocol (HTTP) to stream a certain portion of a media file comprising an ordered sequence of frames, passing the request to a servlet running in conjunction with the server, wherein the servlet is a platform-independent class that is compiled to platform-neutral bytecode and is loaded dynamically into and run by the server, parsing the request using the servlet to identify a segment of the sequence requested by the client, and to select from the media file a range of the frames corresponding to the segment, and streaming the

frames in the selected range from the server to the client as a HTTP response. This is not taught, disclosed or made obvious by the prior art of record.

Applicant has canceled claim 1 and introduced new independent claim 33 in its stead, in order to further clarify the distinction of the present invention over the cited art. The new claim is based on claims 1, 9 and 32 as filed, with additional clarifying language from the specification. (See, for example, paragraph [0048] in U.S. Patent Publication No. 2003/0135633, the published version of this application.) Claims 2-7 and 10 have been amended to depend from claim 33. The remaining claims have been canceled. New dependent claim 34 has been added to recite additional novel features of the invention that are disclosed in the specification (paragraph [0013], for example).

With regard to the cancellation of claims 1, 9, 11-17, 19-28 and 30-32, Applicant is <u>not</u> conceding that the subject matter encompassed by these claims was not patentable over the art cited by the Examiner. These claims were canceled in this amendment solely to facilitate expeditious prosecution of the subject matter of the claims remaining in the application. Applicant respectfully reserves the right to pursue claims, including the subject matter encompassed by the claims as presented prior to this amendment and additional claims, in one or more continuing applications. In this regard, Applicant takes exception to the Examiner's allegations as to "what was well-known in the networking art," but this point is now moot since the allegedly well-known subject matter is absent from the claims as presently amended.

New independent claim 33 recites a novel use of a servlet to enable clients to request from a server a certain portion of a media file, which comprises an ordered

sequence of frames (such as video frames). A servlet parses the request in order to identify

the segment of the sequence that the client has requested, and selects the appropriate

range of the frames from the media file. The server streams the frames in this range to the

client as a HTTP response.

Tso describes a system for dynamically transcoding data, using a HTTP

remote proxy in conjunction with a parser and transcode service providers (Fig. 3 and col.

3, lines 31-65).

Mason describes a method for generating Web pages using Java Server Page

(JSP) technology, in which custom content generation tags are transformed into a format

that Web browsers are able to interpret (col. 2, lines 7-16 and 36-50). Mason mentions

that a servlet may include or use this transformation engine (col. 8, lines 47-49).

The Examiner acknowledged in the Official Action (in reference to claim 9),

however, that Tso and Mason do not disclose that a servlet might select a segment of an

ordered sequence of frames, as is now recited in claim 33. The Examiner instead relied on

Kalra to allegedly supply this missing teaching.

Kalra describes a media delivery system that uses a specialized adaptive

stream server and adaptive stream client for media streaming (Figs. 13 and 14). The object

of these elements is to optimize the transmission of sounds or images to the client

according to the capabilities of the client computer (col. 1, line 66 – col. 2, line 3). For this

purpose, the data transmitted from the server to the client are "segmented" into a base

stream, containing the basic informational content, and additive streams, which may be

transmitted to provide enhanced resolution, depending on the capabilities of the client (col. 2, lines 27-43).

Thus, Kalra uses the term "segment" to refer to a part of the information content over an entire a media. He does not teach or suggest identifying a segment of an ordered sequence of frames and selecting a range of the frames in the media file, as is recited in claim 33. On the contrary, all of Kalra's segments contain the same sequence of frames, but at different resolution levels. In rejecting claim 9, the Examiner referred to col. 5, lines 15-20, in Kalra, but the cited passage refers to no more than the standard way in which an MPEG video sequence is formatted.

Furthermore, Kalra's capabilities are dependent on the use of the specialized adaptive stream server, while his HTTP server is used only to set up the direct connection between the adaptive stream server and the adaptive stream client (col. 15, lines 24-44). By contrast, the claims in the present patent application recite the use of HTTP responses to carry the actual media stream to the client.

Thus, Applicant respectfully submits that independent claim 33 is patentable over the cited art. In view of the patentability of claim 33, dependent claims 2-7, 10 and 34 are also believed to be patentable.

Furthermore, notwithstanding the patentability of the independent claims in this application, Applicant respectfully submits that the dependent claims recite independently-patentable subject matter. With regard to new claim 34, for example, there is no teaching or suggestion in the prior art that a servlet could be used to seek to a location in the media file specified by a client request, so as to stream the frames from the location

without streaming previous parts of the file. In the interest of brevity, Applicant will refrain from arguing the independent patentability of the remaining dependent claims at present.

For at least these reasons, Applicant respectfully submits that claims 2-7, 10 and 33-34 are patentable over the prior art of record whether taken alone or in combination as proposed in the Office Action.

In view of the above amendment and remarks, Applicant respectfully requests reconsideration withdrawal of the outstanding rejections of record. Applicant submits that the application is in condition for allowance and early notice to the effect is most earnestly solicited.

If the Examiner has any questions, he is invited to contact the undersigned at 202-628-5197.

Respectfully submitted,

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